

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

DIANE THAYSE
AND BABY THAYSE,

Civil No. 08-1098 (JRT/FLN)

Plaintiffs,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

CANTELLA & CO. INC., JENNIE
DEVLIN, JAMES FREEMAN,
AND PHILLIP MCMORROW,

Defendants.

Diane Thayse and Baby Thayse, appearing pro se.

Kerry L. Middleton, **LITTLER MENDELSON, PC**, 80 South Eighth Street,
Suite 1300, Minneapolis, MN 55402, for defendants.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Franklin L. Noel, dated June 12, 2008, all the files and records, and no objections having been filed to said Report and Recommendation.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Plaintiff's applications to proceed in forma pauperis, [Docket Nos. 2 and 6], are **DENIED**;
2. Plaintiff's motion for a restraining order, [Docket No. 7], is **DENIED**;
3. Plaintiff's motion for immediate judgment, [Docket No. 8], is **DENIED**;

4. Plaintiff's motion to appoint counsel, [Docket No. 9], is **DENIED**;
5. Defendants' motion to dismiss [Docket No. 14] is **DENIED** as moot; and
6. This action is **DISMISSED WITHOUT PREJUDICE**.

Dated: August 1, 2008
at Minneapolis, Minnesota

s/John R. Tunheim
John R. Tunheim
United States District Judge